

REMARKS

IDS REFERENCES

Applicants enclose references identified on the Information Disclosure Statement dated July 2, 2004 by numerals 1, 2, 3, and 4. Copies of the enclosed references were submitted in the parent application to which the present application claims priority. Applicants request the Examiner consider the enclosed references.

Applicants acknowledge the Examiner's consideration of references designated by reference numerals 5-15 by the Examiner's initials on the 1449 Form and provided with the office action.

Section 112 Rejections

Claim 3 and its dependent claims 4-6 have been rejected based on Section 112 as indefinite. In this regard, claim 3 recites "said compound forming said lining after curing" but the "color sensor [is] disposed between said compound machine and an oven." To overcome the apparent inconsistency, Applicants add new independent claim 36 and amend claim 3 to depend from new claim 36, even though the present invention is not limited to oven curing. In this regard, new independent claim 36 recites that it is the "lining compound," as distinguished from the "lining" (as recited in claim 1), to which the technology is directed. Accordingly, claim 36 has the same text as claim 1 except the claim 36 recites the term "lining compound" for the term "lining" in the first, second, seventh, and eighth lines. Also, the word "formed" is deleted from the second line for clarity.

Claim 3 is amended by this response to depend from new claim 36, to replace the term "compound" with "lining compound," to replace "said compound forming said lining after curing" with the phrase "said lining compound forming a cured lining after curing," and to replace the term "the oven" with the term "an oven." Also, claim 4 is amended to recite "lining compound" in place of "compound" for antecedent basis reasons. Applicants submit that the Section 112 rejection of claim 3 and its dependent claims 4-6 is overcome, as the amended claims are internally consistent and comply with antecedent basis requirements.

To round out the scope of the claims, Applicants add new dependent claims 37-41, which are similar to pre-existing claims 7-9, 34, and 35, respectively, but depend from claim 3 rather than claim 1. Applicants also add new dependent claims 42-44, which are similar to pre-existing claims 4-6, respectively, but depend from claim 2. Applicants point out that claim 3 and its dependent claims have not been rejected based on prior art.

New independent claim 36 is fully supported by the specification by as-filed claim 3 and by Figure 3 and accompanying text at page 9, line 3 to page 10, line 19. Express antecedent basis is provided at page 10, lines 10-12. Further, Applicants submit that the amendments in this response do not narrow the scope of any limitation, but merely correct antecedent basis issues and correct internally inconsistent language.

Section 102(e) Rejections

Claims 1, 2, 7-9, 34, and 35 have been rejected based on United States Patent Number 6,784,447 ("Gochar 447") under Section 102(e). Because Gochar 447 does not constitute prior art under Section 102(e), Applicants request reconsideration of the present rejection.

The present application, which was filed February 6, 2004, claims priority to United States Patent Application Number 09/479,140 (now United States Patent Number 6,376,006), filed January 7, 2000, through United States Patent Application Number 10/041,374. The present application is a divisional of the 374 application, which itself is a divisional of the 140 application. The effective filing date of the Gochar 447 reference for 102(e) purposes is May 6, 2002. Because the present application is entitled to the filing date its grandparent 140 application (that is, January 7, 2000), Gochar 447 was not filed "before the invention by the applicant for patent." Accordingly, Gochar 447 is not prior art.

Gochar 447 is a continuation-in-part of United States Patent Number 6,384,421 ("Gochar 421"), which 421 patent was cited by the Examiner on the 892 form but not relied upon for rejection of any of the pending claims. Gochar 421 has a filing and 102(e) date of October 7, 1999. Applicants interpret the citation of Gochar 421 without reliance on it for rejection to mean that the disclosure of Gochar 421 was insufficient on which to base a rejection. If the Examiner disagrees with Applicants' interpretation, Applicants will address any subsequent rejection based on Gochar 421 at the appropriate time.

DOCKET NO.: CC-3628/A0363US3
Application No.: 10/773,641
Office Action Dated: October 12, 2004


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Accordingly, Applicants submit that the present claim amendments and arguments are fully responsive to the pending office action and request reconsideration of the pending rejection.

CONCLUSION

Applicants submit that the present claims are in condition for allowance. If the Examiner determines that a telephone conversation would further the prosecution of this case, he is invited to telephone the undersigned at his convenience.

Date: April 12, 2005



Harold H. Fuller
Registration No. 42,560

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439